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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,793	06/11/1999	FRANKLIN E. BOYER	UV-72	9836

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/30/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/330,793

Applicant(s)

BOYER ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-7, 10-33, 36-59 and 62-206 is/are pending in the application.
- 4a) Of the above claim(s) 79-150 & 166-177 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7, 10-33, 36-59, 62-78, 151-165 and 178-206 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 27 & 53 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments with respect to claims 151-165, have been considered but are not persuasive. With respect to claims 151, 156 & 161, it is argued on page 20, that "applicants can not find anything in Alexander that shows limiting the display of program listings based on program attributes of TV programs that have been viewed by the user, such that certain program listings are not displayed". It is further argued that, "Rather, Alexander shows rearranging information based on a viewers profile without removing any of the information".

Examiner agrees that Alexander does not teach somehow deleting or discarding from a programming database, TV programs that do not fit the criteria of attributes of TV programs viewed by the subscriber. However, Alexander clearly discloses displaying lists of programs to a subscriber, based upon the associated Viewer Profile, col. 31, lines 25-34. Therefore, since the system searches various databases, retrieves and then displays on the TV screen displays programs that are likely to suit viewer's interest, then by inference these are programs that system is limited to displaying, at least in the those mode.

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More specifically, the system would only display programs in the Watch list or Record list, that are likely to be interest to the viewer, according to Alexander. Therefore examiner respectfully disagrees with applicant's assertion that Alexander does not teach the claimed feature of, "configured to limit which program listings are displayed in the display region based on various attributes of TV programs that have been viewed by the user".

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 151-165 & 202-206 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander, (U.S. Pat # 6,088,722).

Considering claims 151, 156 & 161, the interactive EPG system or method for aiding a user in identifying programs for viewing, comprising user equipment wherein an EPG is at least partially implemented is met by Alexander Fig. 1. The claimed feature of the TV equipment displaying a current program is met by Alexander, col. 4, lines 1-10 & col. 13, lines 55-63.

The additionally claimed feature of the TV equipment allowing the user to sequentially browse program listings for available programming by selectively displaying a display region reads on col. 7, lines 18-27. Regarding the further claimed feature of the TV equipment configured to limit which program listings are displayed in the display region based on various program attributes of TV programs that have been viewed by the user, Alexander discloses that at a particular time, the system only displays listings of programs which fit a certain profile of viewed programming, with respect to a particular user; col. 31, lines 25-30. The additionally claimed feature of allowing the user to adjust the relative importance of the various program attributes that are used to limit the displayed program listings reads on Alexander, col. 28, lines 11-21 & col. 29, lines 34-67.

Considering claims 152, 157, 162 & 203, the claimed subject reads on the disclosure of Alexander, col. 31, lines 25-33.

Considering claims 153, 158, 163 & 204, see col. 4, lines 17-22.

Considering claims 154, 159, 164 & 205, the claimed neural network reads on system of Alexander, including col. 5, which discusses an embodiment of the hardware.

Considering claims 155, 160, 165 & 206; see col. 7, lines 18-23 & col. 14, lines 42-46.

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Considering claim 202, the claimed machine-readable media for use in a system in which an interactive TV EPG is at least partially implemented wherein the media is encoded with machine-readable instructions for performing method steps that correspond with subject matter mentioned above in the rejection of claims 151, 156 & 161, are likewise rejected. Both Schein (Fig. 1; col. 3, lines 17-62) is directed to a computer driven system that discloses the use of machine-readable media to perform the features discussed above in the claims.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 10-31, 36-57, 62-78 & 178-182, & 185-201 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, (U.S. Pat # 6,133,909), in view of Alexander.

Considering amended claim 1, the claimed method for aiding a user who is viewing a program, airing on a current channel in identifying another program to view, comprising monitoring the program airing on the current channel and determining at least one attribute of the program airing on the current channel is met by the disclosure of Schein, col. 13, lines 49-67.

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The cited portion of Schein teaches that after a viewer has watched a particular TV program for at least a certain threshold of time, that the system automatically determines attributes, or criteria, with respect to the watched TV program.

The additionally claimed feature of identifying program listings for programs that are suggested based only on the detected program attribute(s) is met by (col. 14, lines 1-6), which discloses the system supplies the user with a list of Other Programs that fit the criteria associated with current TV program. As for the claim of the user browsing the program listings of suggested programs, the claimed subject matter also reads on col. 14, lines 1-8.

Regarding the additionally claimed feature of displaying the program airing on the current channel and simultaneously displaying a display region containing at least one of the program listings of suggested TV programs, Schein does not explicitly discuss the details of the EPG interface. However, Alexander provides a teaching of displaying in a PIP window, the currently viewed TV program and an EPG listing of other TV programs, see Fig. 1; col. 3, lines 55-60 & col. 4, lines 5-9. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Schein, with the teachings of Alexander, displaying both a currently tuned TV program and a listing of other TV programs, at least for the well known desirable benefit of enabling the user to not miss any of a currently tuned TV program, while also browsing through other program listings.

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Considering claims 2, 28, 54 & 179, Schein teaches monitoring whether a program has been viewed at least for a predetermined time period; see col. 13, lines 51-58.

Considering claims 3, 29, 55 & 180, Schein teaches using a series of criteria to match a program with the currently watched TV program, such that the series of criteria may include category, such as comedy or the starring actor; see col. 13, lines 59-65.

Considering claims 4, 30, 56, & 181, Schein teaches enabling a user to select programming according to category or other attributes; see col. 13, lines 1-47.

Considering claims 5, 31, 57 & 182, Schein teaches that the system may use any or all of the search criteria, col. 13, lines 61-65.

Considering claim 10-11, 36-37, 62-63 & 185-186, the claimed subject matter reads on the disclosure of Alexander, which uses the attributes and program viewing behavior to develop a User Profile, which is used to suggest programming to the subscriber; see col. 30, lines 5-55 & col. 31, lines 10-34.

Considering claims 12, 26, 38, 52, 64, 78, 187 & 201, the use of attributes from a specific program reads on the disclosure of Schein, discussed above, which uses the attributes of the currently tuned TV program to generate a list suggested TV programs.



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Considering claims 13, 39, 65 & 188, the claimed feature reads on a parent taking the option to block certain program types from being displayed in the EPG, such as from a certain channel, as disclosed by Alexander, col. 17, lines 25-34.

Considering claims 14, 40, 66 & 189, Alexander teaches developing profiles using group viewing history, such as from a family, col. 28, lines 21-29.

Considering claims 15, 41, 67 & 190, Alexander discloses the option of the display region as an overlay; see col. 7, lines 18-23 & col. 14, lines 42-46.

Considering claims 16, 42, 68 & 191, the PIP window of Alexander shows the currently tuned TV program in a reduced size window, which requires compression.

Considering claims 17-19, 43-45, 69-71 & 192-194, Alexander discloses notifying a subscriber using at least text or an icon; see col. 14, lines 58-61 & col. 15, lines 12-22.

Considering claims 20-22, 46-48, 72-74 & 195-197, the combination of Schein (col. 14, lines 4-9) and Alexander (col. 31, lines 25-33) teaches allowing the user to select the program listing in the display region and a program from the program listing of suggested programs, along with displaying selectable options for accessing one of the suggested programs.

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Considering claims 23-24, 49-50, 75-76 & 198-199, the claimed features read on the user choosing whether or not to use the program suggesting system, which is met by Alexander, col. 31, lines 9-10, 25-26 & 34-36, which teach that the program selection features are at the viewer's option.

Considering claims 25, 51, 77 & 200, Schein teaches that the EPG listings may be developed from TV programs listings downloaded to the user's STB, col. 8, lines 19-30.

Considering claims 27 & 53, the claimed system for aiding a user who is viewing a program airing on a current channel in identifying another program to view comprising elements that correspond with subject matter mentioned above in the rejection of claim 1, is likewise rejected.

Considering claim 178, the claimed machine-readable media for use in a system in which an interactive TV EPG is at least partially implemented wherein the media is encoded with machine-readable instructions for performing method steps that correspond with subject matter mentioned above in the rejection of claim 1, is likewise rejected. Both Schein (Fig. 1; col. 3, lines 17-62) & Alexander (col. 5, lines 21-52) are computer driven systems that disclose the use of machine-readable media to perform the features discussed above in the claims.

6. Claims 6-7, 32-33, 58-59 & 183-184 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein & Alexander, in view of Herz, (U.S. Pat # 6,088,722).

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Considering claims 6-7, 32-33, 58-59 & 183-184, Schein does not teach the claimed feature of a user weighting attributes to be used in suggesting programming. Nevertheless Herz, which is in the same field of endeavor as Schein, that of using a subscriber's viewing history and genre of programs in creating a list of suggested programs, teaches utilizing a value that indicates the subscriber's importance of a particular attribute or characteristic; see col. 11, lines 27-40. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Schein & Alexander with the teaching of Herz, at least in order to develop a more user controlled process for developing a list of suggested TV programs.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9314 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
ANDREW FAILE  
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